

REMARKS

This Application has been carefully reviewed in light of the Official Action issued May 23, 2008. Claims 1-24 are pending in this Application. In order to advance prosecution of this Application, Claims 1, 6, 13, and 18 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 13-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 13-24 have been amended to be directed to a computer readable storage medium. Therefore, Applicant respectfully submits that Claims 13-24 are in accordance with 35 U.S.C. §101.

Claims 1, 3-5, 8, 9, 13, 15-17, 20, and 21 stand rejected under 35 U.S.C. §102(a) as being anticipated by "SONET/SDH Circuit Emulation Service Over MPLS (CEM)" published by Hsu, et al. Independent Claims 1 and 13 have been amended to include the features of Claims 6 and 18 respectively deemed allowable by the Examiner. Therefore, Applicant respectfully submits that Claims 1, 3-5, 8, 9, 13, 15-17, 20, and 21 are not anticipated by the Hsu, et al. paper.

Claims 1, 4, 7-13, 16, and 19-24 stand rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 6,831,932 issued to Boyle, et al. Independent Claims 1 and 13 have been amended to include the features of Claims 6 and 18 respectively deemed allowable by the Examiner. Therefore, Applicant respectfully submits that Claims 1, 4, 7-13, 16, and 19-24 are patentably distinct from the Boyle, et al. patent.

Claims 2, 3, 5, 14, 15, and 17 stand rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 6,831,932 issued to Boyle, et al. in view of U.S. Patent No. 7,170,856 issued to Ho, et al. Independent Claim 1, from which Claims 2, 3, and 5 depend, and Independent Claim 13,

from which Claims 14, 15, and 17 depend, have been shown above to be patentably distinct from the Boyle, et al. patent. Moreover, the Ho, et al. patent does not include any additional disclosure combinable with the Boyle, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 2, 3, 5, 14, 15, and 17 are patentably distinct from the proposed Boyle, et al. - Ho, et al. combination.

CONCLUSION

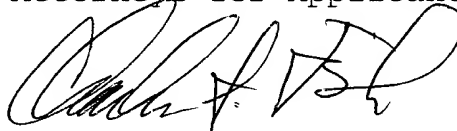
Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the typed name.

Charles S. Fish

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